

# **HOOVER POLICE DEPARTMENT STANDARD OPERATING PROCEDURES**

<b>EFFECTIVE DATE: 03/01/2005</b>	<b>REVISION DATE: 11/30/2005</b>	<b>SECTION: 900.01</b>
<b>SUBJECT: PROFESSIONAL STANDARDS - Policy Overview</b>		<b>APPROVED BY:</b> Nicholas C. Derzis, Chief of Police

**Purpose:**

The purpose of this policy is to establish the administration and operation of matters involving Professional Standards to assure that the integrity of the Hoover Police Department is maintained. Achievement of this purpose will be through an internal system of impartial investigation and review with objectivity, fairness and justice being the primary considerations.

**A. Policy Statement:**

It shall be the policy of the Hoover Police Department to appropriately investigate and promptly adjudicate all allegations of employee misconduct. All reports or accusations made against members of the Department or the Department in general, from all sources, shall be completely investigated to ensure the integrity of this Department and its members. Written directives relating to the administration of the Professional Standards function shall be disseminated to all personnel as required.

**B. Responsibility Assigned within the Professional Standards Function:**

1. The Commander of Professional Standards will have the responsibility for administration of the Professional Standards function, which includes:
  - a. Recording, registering, and controlling investigation of complaints against employees and the Department;
  - b. Supervising and controlling the investigation of alleged or suspected misconduct within or outside the agency;
  - c. Maintaining the confidentiality of the Professional Standards investigation and records;
  - d. Notifying the Chief of Police of complaints against the Department and its employees. This notification will also include the status of any investigation relevant to the complaint(s).
  - e. Communications of all investigations that fall under the purview of Professional Standards will be reported directly to the Chief of Police.
2. The Chief of Police will appoint a Professional Standards Unit as additional duties for appointees:
  - a. Duration of appointment will be at the discretion of the Chief of Police.

- b. At least one clerical support person will be appointed to this unit. This appointee will be responsible for the correspondence typing, filing and confidentiality of record keeping.

C. Description and Assignment of Complaints:

1. Level I Complaints: Complaints of rudeness, insubordination, tardiness, or other violations of departmental SOP which may result in low level discipline, will be assigned to the employee's Division Commander as stated in the chain of command. Level I complaints include any "Group One Offense" listed in the City of Hoover Personnel Policy and Procedure Manual.
2. Level II Complaints: Complaints of criminal misconduct, breach of civil rights, corruption, misuse of force, brutality, or other violations which could result in criminal prosecution, termination, and/or severe disciplinary action will be assigned to the Professional Standards Unit.
3. Departmental Complaints: Complaints against the Department as a whole will be assigned to the Professional Standards Unit designated by the Chief of Police, and may be reassigned as necessary or appropriate.
4. Every complaint received by any member of this Department shall be routed to the appropriate supervisor and then recorded. Division/Watch Commanders will investigate Level One complaints and a disposition will then be recorded on the Complaint/Allegation Form. All complaint forms will be routed to the Professional Standards Commander for filing. The Professional Standards Unit will maintain every complaint received by this Department.

D. Investigative Procedures:

1. Professional Standards investigations will be conducted in accordance with accepted investigation procedures as provided by the courts, Human Resources Department, and the Hoover Police Department. In cases where investigations involve alleged criminal conduct on the part of the employee, close liaison will be maintained with the appropriate prosecutor's office. Investigations will meet all applicable legal requirements.
  - a. This will include the use of instruments for detection of deception based on the current legal requirements, case law, and precedent.
  - b. Legal requirements will also be met according to those in effect at the time of the investigation in regards to :
    - 1) Medical or laboratory examinations;
    - 2) Photographs which are taken of employees;
    - 3) Employee being directed to participate in a line-up;
    - 4) Employee being required to submit financial disclosure statements.
2. Complaints received by any member of the Department will be immediately referred to the appropriate supervisor; (a supervisor cannot handle a complaint on

himself/herself) who shall complete a complaint form. Supervisors must turn in complaint forms to the Division/Watch Commander as soon as possible, but no later than 24 hours after complaint has been received. However, as necessary, telephonic notifications will be made immediately through the chain of command for Level II complaints. Level I complaints will be routed back to the proper Division/Watch Commander.

3. The complainant will be requested to submit a written statement indicating the nature of the complaint and facts relative to the complaint(s). However, if the complainant refuses this request, an investigation (if warranted) will be made without the written statement. All written statements must be attached to the Complaint Form.
4. The Professional Standards Commander will receive the Complaint Form and assign an Internal Affairs Officer to investigate the incident, or reassign as necessary.
5. The employee shall be issued a written statement (via the Complaint Allegation Form) of the allegations and his/her rights and responsibilities relative to the investigation, only after Investigators believe that the notification will not compromise the disposition of the complaint. This notification may be omitted in the event of a criminal investigation.
6. During the investigation of the complaint(s), an employee may be relieved from duty due to psychological or physical fitness for duty, or an action pending disposition of a Professional Standards investigation. Authority to relieve an officer from duty extends to the Bureau Commander level.
7. The designated Investigative Officer will interview all witnesses and other parties involved in the incident on which the complaint is based. Physical evidence will be gathered, if applicable, and processed as necessary. Investigations will be concluded as soon as possible, but should be no later than 30 days from date of assignment. The investigator will provide to the Commander of Professional Standards a status report every seventh day until investigation is completed.
8. The Investigative Officer will submit the findings of his/her investigation in writing to the Professional Standards Commander for recommendation(s) or for action(s) to be taken. The Professional Standards Commander will review the findings and attach a list of any policy, rule, or criminal violation(s). The Chief of Police will review the completed investigative report no later than thirty working days from the date the complaint is assigned to an investigator. Extensions for the thirty-day limit will be reviewed on a case by case basis.
9. The clerical support personnel will disseminate the appropriate correspondence from the Chief of Police to the employee under investigation. This correspondence will inform the employee about the findings of the investigation and any violations, if applicable. Documentation will be filed according to the guidelines as stated in Disciplinary Procedures set forth by the City of Hoover Human Resources Department.

E. Investigative Findings:

The Professional Standards Commander will classify completed investigations of complaints as:

1. Unfounded - No truth to the allegations;
2. Exonerated - Allegations are true, but are the result of adherence to proper and appropriate police procedures and techniques;
3. Not Sustained - Unable to verify the truth of the matter(s) under investigation;
4. Sustained - Allegations are true. If a complaint is sustained, the Chief of Police will approve or determine what disciplinary measures will be taken toward the employee in accordance with Disciplinary Procedures and criminal law, if applicable.

F. Records Security:

1. The Professional Standards Commander will maintain a record of all complaints against the agency or its employees.
2. All records pertaining to Professional Standards investigations will be maintained in a secure area designated by the Professional Standards Commander. Custodian for the records will be the responsibility of the Professional Standards Commander.
3. Records will be disposed of according to the requirements of the Hoover Police Department and current case law (usually six years after separation of employment, according to State of Alabama Archives and History, 4/29/1999).
4. The Complaint Index Sheets will be annotated by the Professional Standards Commander after each case has been closed, and sent on a monthly basis to the Chief of Police. The information from the Complaint Index Sheet will be used to compile data to complete annual statistics.

G. External Dissemination of Information Regarding Professional Standards Matters:

1. The Hoover Police Department will disseminate information to the public, if requested, on procedures to be followed in registering complaints against the agency or its employees.
2. The Professional Standards Commander or his/her designee will provide written verification to complainants that the complaint has been received.
3. In the event the investigation involves a complaint concerning criminal conduct on the part of a Police Department employee, the investigator will maintain liaison with the prosecutor's office having jurisdiction. The Hoover Police Department may relinquish

any complaint that indicates criminal conduct on the part of a Police Department employee to the appropriate State or County jurisdiction.